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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,983	09/28/2001	Joseph G. Radzik		5169

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EXAMINER

COLLINS, GIOVANNA M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 01/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,983

Applicant(s)

RADZIK, JOSEPH G.

Examiner

Giovanna M. Collins

Art Unit

3679

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-6, 9-10, 16,19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dole et al. ('450) in view of Larsen et al. ('157).

Dole et al. disclose a lubricated ferrous pipe coupling gasket comprising a generally tubular, one piece, elastomeric member (32) with first and second axial open ends, the member being formed by a circumferential wall (at 4) and at least a pair of circumferential flanges, the flanges extending at least generally inwardly at a separate one of the first and second axial open ends of the first and second axial open ends of the member the circumferential wall and the circumferential flanges forming at least one circumferential channel on an inner circumferential side of the member. Dole et al. discloses that the gasket is lubricated (see col. 5, line 18) but does not disclose where it is lubricated. However, it is a common practice in the art to lubricate the entire circumference of the gasket before installing on pipes. Dole et al. also does not disclose that a dry powder lubricant is used. Larsen et al. teach that dry powder lubricant is a suitable lubricant to use between a gasket and a pipe (see col. 6, lines 7-15). Therefore it would be obvious to one skilled in the art at the time of the invention to modify the gasket disclosed by Dole et al. to have the entire circumference be lubricated because it is a common practice in the

Art Unit: 3679

art and to use a dry powder lubricant as taught by Larsen et al. because it is a suitable lubricant to use between a gasket and a pipe.

Referring to claim 4, Larsen et al. teach a dry powder lubricant that contains talc as a primary component (see col. 6, lines 7-16).

Referring to claim 5, Dole et al. disclose (see Fig. 1) a ferrous pipe coupling comprising a ferrous collar (10) having an outer axially extending axially split circumferential wall (16) with at least one pair of adjoining circumferential ends (18) at the split; at least one fastener (22) releasably securing together the at least one pair of adjoining circumferential ends of the collar; the inner circumferential side having at least one flange that forms a seal with a pipe; a gasket (150) in the form of a generally tubular, one-piece elastomeric (see Fig. 5, at 32) member positioned in the collar and having an exposed inner circumferential side exposed in the collar. Dole et al. discloses that the gasket is lubricated (see col. 5, line 18) but does not disclose where it is lubricated. However, it is a common practice in the art to lubricate the entire circumference of the gasket before installing on pipes. Dole et al. also does not disclose that a dry powder lubricant is used. Larsen et al. teach that dry powder lubricant is a suitable lubricant to use between a gasket and a pipe (see col. 6, lines 7-15). Therefore it would be obvious to one skilled in the art at the time of the invention to modify the gasket disclosed by Dole et al. to have the at least the inner circumferential side of the member lubricated because it is a common practice to lubricate the entire circumference of a gasket and to use a dry powder lubricant as taught by Larsen et al. because it is a suitable lubricant to use between a gasket and a pipe.

Referring to claim 6, Dole et al. disclose the ferrous pipe coupling of claim 5, wherein the ferrous collar (16) includes a pair of at least generally radially inwardly extending

Art Unit: 3679

circumferential flanges (see Fig. 4 at 30), each flange being located at a separate end of the circumferential wall the pair of flanges and the circumferential wall forming a circumferential channel (see Fig. 5, at 32) on an inner circumferential side of the collar and wherein the gasket (32) is positioned in the channel.

Referring to claim 9, Larsen et al. teach a dry powder lubricant that contains talc as a primary component (see col. 6, lines 7-16).

Referring to claim 10, Dole et al. disclose (see Fig. 1) a ferrous piping system comprising a plurality of ferrous piping components (see col. 1, lines 4-11) and at least one ferrous pipe coupling (10) mechanically and fluidly joining together ends of a pair of the piping components at a joint; the ferrous pipe coupling including a ferrous collar (16) having an outer, axially extending and axially split circumferential wall and at least one pair of adjoining circumferential ends (18) at the split; the ferrous pipe coupling further including a gasket (see Fig. 5, 32) in the form of a generally tubular one piece elastomeric member having an inner circumferential side, the inner circumferential side including at least one flange sealingly mounted on the ends of the pair of piping components and surrounded by the collar; the ferrous pipe coupling further including at least one fastener (22) releasably securing together a pair of adjoining circumferential ends of the collar so as to compress the gasket and the collar on the ends of the pair of piping components. Dole et al. discloses that the gasket is lubricated (see col. 5, line 18) but does not disclose where it is lubricated. However, it is a common practice in the art to lubricate the entire circumference of the gasket before installing on pipes. Dole et al. also does not disclose that a dry powder lubricant is used. Larsen et al. teach that dry powder lubricant is a suitable lubricant to use between a gasket and a pipe (see col. 6, lines 7-15). Therefore it would

Art Unit: 3679

be obvious to one skilled in the art at the time of the invention to modify the gasket disclosed by Dole et al. to have a coating of lubricant between the flange of the inner circumferential side of the member because it is a common practice to lubricate the entire circumference of a gasket and to use a dry powder lubricant as taught by Larsen et al. because it is a suitable lubricant to use between a gasket and a pipe.

Referring to claim 16, Dole et al. disclose in a ferrous pipe coupling including a generally tubular, one piece gasket (32) having at least one flange, a ferrous collar surrounding the gasket the collar including at least one axial split defining a pair of adjoining circumferential ends, and a fastener releasable securing together the adjoining circumferential ends of the collar. Dole et al. discloses that the gasket is lubricated (see col. 5, line 18) but does not disclose where it is lubricated. However, it is a common practice in the art to lubricate the entire circumference of the gasket before installing on pipes. Dole et al. also does not disclose that a dry powder lubricant is used. Larsen et al. teach that dry powder lubricant is a suitable lubricant to use between a gasket and a pipe (see col. 6, lines 7-15). Therefore it would be obvious to one skilled in the art at the time of the invention to modify the gasket disclosed by Dole et al. to have a coating of lubricant between the flange of the inner circumferential side of the member because it is a common practice to lubricate the entire circumference of a gasket and to use a dry powder lubricant as taught by Larsen et al. because it is a suitable lubricant to use between a gasket and a pipe.

Referring to claim 19, Larsen et al. teach a dry powder lubricant that contains talc as a primary component (see col. 6, lines 7-16).

Art Unit: 3679

Referring to claim 20, Dole et al., as modified, discloses the dry powder lubricant coats all circumferential surfaces of the gasket.

Referring to claim 21, Dole et al. discloses the gasket (32) comprises a pair of circumferential flanges formed on the exposed inner circumferential side of the gasket.

Referring to claim 22, Dole et al. discloses the gasket (32) comprises a pair of circumferential flanges formed on the exposed inner circumferential side of the gasket.

Referring to claim 23, Dole et al., as modified, discloses the dry powder lubricant coats a pair of flanges formed on the circumferential surface of the gasket (32).

3. Claims 2-3, 7-8, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dole et al. ('450) in view of Larsen et al. ('157) as applied to claims 1,5 and 16 above, and further in view of Holt et al. ('597).

Dole et al., as modified, discloses gasket of claim 1 but does not disclose the lubricant comprises an organic starch powder. Holt et al. teach that organic starch can be used as a dry lubricant (see col. 12, line 41- col. 13, line15). Therefore it would be obvious to one skilled in the art at the time of the invention to further modify the gasket disclosed by Dole et al. to use organic starch as taught by Holt et al. because organic starch can be used as a dry lubricant.

Referring to claim 3, Dole et al., as modified, discloses gasket of claim 1 but does not disclose the lubricant consists essentially of an organic starch powder. . Holt et al. teach that organic starch can be used as a dry lubricant (see col. 12, line 41- col. 13, line15). Therefore it would be obvious to one skilled in the art at the time of the invention to further modify the

Art Unit: 3679

gasket disclosed by Dole et al. to use organic starch as taught by Holt et al. because organic starch can be used as a dry lubricant.

Referring to claim 7, Dole et al., as modified, discloses pipe coupling of claim 5 but does not disclose the lubricant comprises an organic starch powder. . Holt et al. teach that organic starch can be used as a dry lubricant (see col. 12, line 41- col. 13, line15). Therefore it would be obvious to one skilled in the art at the time of the invention to further modify the gasket disclosed by Dole et al. to use organic starch as taught by Holt et al. because organic starch can be used as a dry lubricant.

Referring to claim 8, Dole et al., as modified, discloses pipe coupling of claim 5 but does not disclose the lubricant consists essentially of an organic starch powder. . Holt et al. teach that organic starch can be used as a dry lubricant (see col. 12, line 41- col. 13, line15). Therefore it would be obvious to one skilled in the art at the time of the invention to further modify the gasket disclosed by Dole et al. to use organic starch as taught by Holt et al. because organic starch can be used as a dry lubricant.

Referring to claim 17, Dole et al., as modified, discloses improvement of claim 16 but does not disclose the lubricant comprises an organic starch powder. . Holt et al. teach that organic starch can be used as a dry lubricant (see col. 12, line 41- col. 13, line15). Therefore it would be obvious to one skilled in the art at the time of the invention to further modify the gasket disclosed by Dole et al. to use organic starch as taught by Holt et al. because organic starch can be used as a dry lubricant.

Referring to claim 18, Dole et al., as modified, discloses improvement of claim 16 but does not disclose the lubricant consists essentially of an organic starch powder. . Holt et al. teach

Art Unit: 3679

that organic starch can be used as a dry lubricant (see col. 12, line 41- col. 13, line15). Therefore it would be obvious to one skilled in the art at the time of the invention to further modify the gasket disclosed by Dole et al. to use organic starch as taught by Holt et al. because organic starch can be used as a dry lubricant.

4. Claims 11 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Dole et al. ('450) in view of Larsen et al. ('157) as applied to claims 10 above, and further in view of Sisk ('465)

Dole et al., as modified, disclose the pipe system of claim 10. Dole et al., as modified, does not disclose a one-way valve and a potable water supply. Sisk teaches that the pipe coupling can be used for transferring all types of fluid material and to secure valves to piping components (see Abstract). Therefore it would be obvious to further modify the piping system of Dole et al. to include a potable water supply and a one valve to supply water from the water supply to the piping components as taught by Sisk because the pipe coupling can be used for transferring all types of fluid material and to secure valves to piping components.

Referring to claim 15, Larsen et al. teach a dry powder lubricant that contains talc as a primary component (see col. 6, lines 7-16).

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dole et al. ('450) in view of Larsen et al. ('157) and Sisk ('465) as applied to claims 11 above, and further in view of Dole ('907).

Art Unit: 3679

Dole et al., as modified, disclose the pipe system of claim 11. Dole et al., as modified, does not disclose that one of the pipe components is a fitting with a fire sprinkler. Dole ('907) teaches (see Fig.2) that the pipe coupling can be used to couple a pipe to a fitting that is connected to a fire sprinkler. Therefore it would be obvious to further modify the pipe system disclosed by Dole et al. to include a fitting coupling with a fire sprinkler as taught by Dole ('907) because a pipe coupling can be used to couple a piping component to a fitting that is connected to a fire sprinkler.

6. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dole et al. ('450) in view of Larsen et al. ('157) and Sisk ('465) as applied to claims 11 above, and further in view of Holt ('597).

Dole et al., as modified, discloses piping system of claim 11 but does not disclose the lubricant comprises an organic starch powder. Holt et al. teach that organic starch can be used as a dry lubricant (see col. 12, line 41- col. 13, line15). Therefore it would be obvious to one skilled in the art at the time of the invention to further modify the piping system disclosed by Dole et al. to use organic starch as taught by Holt et al. because organic starch can be used as a dry lubricant.

Referring to claim 14, Dole et al., as modified, discloses gasket of claim 11 but does not disclose the lubricant consists essentially of an organic starch powder. . Holt et al. teach that organic starch can be used as a dry lubricant (see col. 12, line 41- col. 13, line15). Therefore it would be obvious to one skilled in the art at the time of the invention to further modify the

Art Unit: 3679

pipng system disclosed by Dole et al. to use organic starch as taught by Holt et al. because organic starch can be used as a dry lubricant.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 4-6,9-12,15-16,19-23 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's arguments filed November 18, 2002 have been fully considered but they are not persuasive. In response to applicant's argument that Holt does not disclose a gasket with a dry lubricant, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In the case of Holt, this reference teaches that organic starch is a type of a dry power lubricant.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3679

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna M. Collins whose telephone number is 703-306-5707. The examiner can normally be reached on 7:30-4 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on 703-308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

gmc
January 24, 2003



Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3670